

1 2003Mazda.NOA

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FILED
DISTRICT COURT OF GUAM

AUG 13 2007

JEANNE G. QUINATA
Clerk of Court

8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE TERRITORY OF GUAM**

07-00022

11 UNITED STATES OF AMERICA,)

CIVIL CASE NO. _____

12 Plaintiff,)

13 vs.)

NOTICE OF ARREST

14 ONE 2003 MAZDA PROTÉGÉ)
AUTOMOBILE, VIN)
15 JM1BJ245X31205914,)

16 Defendant.)
17 _____)

18 Notice is hereby given that the United States of America on the 8th day of August, 2007,
19 filed an action pursuant to 21 U.S.C. §§ 881(a)(6), for the forfeiture of the defendant ONE 2003
20 MAZDA PROTÉGÉ AUTOMOBILE, VIN JM1BJ245X31205914. All claimants to this
21 property must file their claims pursuant to Rule C of the Supplemental Rules of Certain
22 Admiralty and Maritime Claims, within ten (10) days from the date of publication of this Notice,
23 or within ten (10) days of actual notice of this action, whichever occurs first, and must serve and
24 file their answers within twenty (20) days after the filing of the claim. All such claims and
25 answers must be filed with the Office of the Clerk, United States District Court for the District of
26 Guam, with a copy thereof sent to Assistant United States Attorney Karon V. Johnson.

1 Additional procedures and regulations regarding this forfeiture action are found at 19
2 U.S.C. §§ 1602-1619, and Title 21, Code of Federal Regulations (C.F.R.), Sections 1316-71-
3 1316.81. All persons and entities who have an interest in the defendant property may, in
4 addition to filing a claim or in lieu of the filing of a claim, submit a Petition for Remission or
5 Mitigation of the forfeiture for a non-judicial determination of this action pursuant to 28 C.F.R.
6 Part 9.

7 DATED at Hagatna, Guam, this 13th day of August, 2007.

8 JEANNE G. QUINATA
9 Clerk of the Court

10 By: /s/ Rosita P. San Nicolas
11 *Chief* Deputy Clerk
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FILED
DISTRICT COURT OF GUAM

AUG 24 2007

JEANNE G. QUINATA
Clerk of Court

I HAVE SERVED THE WITHIN ORDER
Darrell SC. Steward
ON 8/14/07 @ 12:30 (DATE & TIME) BY LEAVING WITH (WRIT ORDER)
Darrell SC. Steward
(NAME & TITLE OF INDIVIDUAL SERVED)
J. Salas
USM
BY: [Signature]

AUG - 7 2007

CLERK OF COURT

2003Mazda.COM

LEONARDO M. RAPADAS

United States Attorney

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Attorneys for United States of America

**IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ONE 2003 MAZDA PROTÉGÉ
AUTOMOBILE, VIN
JM1BJ245X31205914,

Defendant.

CIVIL CASE NO. 07-00022

**VERIFIED COMPLAINT OF
FORFEITURE**

COMES NOW the plaintiff United States of America, by and through its attorneys,
Leonardo M. Rapadas, United States Attorney, and Karon V. Johnson, Assistant United States
Attorney, and respectfully states as follows:

1. This is a civil action in rem brought to enforce the provision of Title 18, United States
Code, § 981(a)(1)(B)(i), Title 21, United States Code, § 841(a)(1), and Title 21, United States
Code, § 853(a)(2) for the forfeiture of a automobile which was used to commit and facilitate the
commission of the crime of distribution of a controlled substance

2. This court has jurisdiction over this matter by virtue of Title 28, United States Code,
§§ 1345 and 1355.

1 3. The defendant is ONE 2003 MAZDA PROTÉGÉ AUTOMOBILE, VIN
2 JM1BJ245X31205914,

3 4. The defendant ONE 2003 MAZDA PROTÉGÉ AUTOMOBILE, VIN
4 JM1BJ245X31205914, is within the jurisdiction of this Court.

5 5. The facts and circumstances supporting the seizure and forfeiture of the defendant
6 automobile are contained in the Declaration of Drug Enforcement Administration Special Agent
7 Michelle Jong, attached hereto and incorporated herein as Exhibit A.

8 6. The defendant, ONE 2003 MAZDA PROTÉGÉ AUTOMOBILE, VIN
9 JM1BJ245X31205914, was used to facilitate a violation of Title 21, United States Code, §
10 841(a)(1), distribution of a controlled substance, and is therefore subject to forfeiture to the
11 United States of America pursuant to Title 18, United States Code, § § 981(a)(1)(B)(i), Title 21,
12 United States Code, § 841(a)(1), and Title 21, United States Code, § 853(a)(2).

13 **WHEREFORE**, the United States of America prays that process of warrant in rem issue
14 for the arrest of the defendant ONE 2003 MAZDA PROTÉGÉ AUTOMOBILE, VIN
15 JM1BJ245X31205914, that due notice be given to all parties to appear and show cause why the
16 forfeiture should not be decreed; that judgment be entered declaring the defendant ONE 2003
17 MAZDA PROTÉGÉ AUTOMOBILE, VIN JM1BJ245X31205914, be forfeited to the United
18 States of America for disposition according to law; and that the United States of America be
19 granted such other relief as this Court may deem just and proper, together with the costs and
20 disbursements of this action.

21 RESPECTFULLY SUBMITTED this 6th day of August, 2007.

22 LEONARDO M. RAPADAS
23 United States Attorney
24 Districts of Guam and NMI

25 By: 

26 KARON V. JOHNSON
27 Assistant U.S. Attorney

DECLARATION
(Exhibit A)

I, MICHELLE JONG, being first duly sworn, do depose and say:

1. That I am a Special Agent employed with the Drug Enforcement Administration and make this affidavit in the course of my official duties;

2. That I have reviewed the police reports filed by the Guam Police Department, case number 07-16243, and make this affidavit based upon the contents of those reports;

3. That on August 29, 2006, an informant working with the Violent Street Crimes Unit of the Guam Police Department (GPD) made a controlled buy of methamphetamine hydrochloride (ice) from Darrell S.C. Stewart. This controlled buy was preceded by consensually recorded telephone calls, and was observed to occur in the parking lot of the East West Business Center in Upper Tumon by GPD officers M.C. Perkins and M.L. Elliott, among others.


4. According to the reports written by Officers Elliott, M.C. Perkins and C.J. Nesmith, defendant Stewart arrived at the East West Business Center parking lot driving a silver 2003 Mazda Protégé, license MNG 5502. The informant had been given \$200 in buy money. The informant subsequently told the officers that he purchased from Stewart a plastic baggie which was later analyzed and found to contain .3944 grams net weight of methamphetamine. The informant said Stewart got out of his vehicle, the silver 2003 Mazda Protégé, and gave him the baggie while standing on the passenger side of the informant's vehicle. It is apparent, therefore, that the vehicle was used to transport the methamphetamine to the site of the sale.

5. An order under Title 21, United States Code, Section 853(e) may not be sufficient to assure the availability of the property for forfeiture because there is reason to believe that the automobile is in the custody of defendant, who cannot reasonably be relied upon to abide by an order to maintain the vehicle in substantially the same condition as it is in the present time. The value of such vehicles depreciates with time, and is dependent on the physical and mechanical

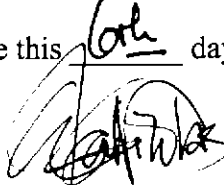
1 condition of the vehicle. As well, vehicles are easily hidden on Guam, and can be difficult to
2 locate. The only way to ensure that it does not further depreciate in value is to put it in the
3 custody of the U.S. Marshal's Service.

4 6. On July 24, 2007, Darrell S.V. Stewart appeared before the Honorable Steven S.
5 Unpingco, Judge of the Superior Court of Guam, and pled guilty to Possession of a Schedule II
6 Controlled Substance in connection with the sale of this .3944 grams of methamphetamine
7 hydrochloride, Criminal Case No. CF254-07.

8 FURTHER AFFIANT SAYETH NAUGHT.

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10 
11 MICHELLE JONG
Special Agent
Drug Enforcement Administration

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13
14 SUBSCRIBED AND SWORN to before me this 6th day of August, 2007.

15 
16 Notary Public

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18 **CARMELLETA Q. SAN NICOLAS**
Notary Public
In and for Guam, U.S.A.
My Commission Expires: Aug. 15, 2010
Sirena Plaza, Ste. 500,
108 Hernan Cortez Avenue
Hagatna, Guam 96910

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF UNITED STATES OF AMERICA,	COURT CASE NUMBER CV 07-00022
DEFENDANT ONE 2003 MAZDA PROTEGE AUTOMOBILE, VIN JM1BJ245X31205914	TYPE OF PROCESS Verified Complaint of Forfeiture / Notice of Arrest

SERVE ➔ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN DARRELL S.C. STEWART
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) HILLSIDE APARTMENTS, APT. #307 HARMON, GUAM

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW: KARON V. JOHNSON, AUSA U.S. Attorney's Office Ste. 500, Sirena Plaza 108 Hernan Cortez Ave. Hagatna, Guam 96910	Number of process to be served with this Form - 285	2
	Number of parties to be served in this case	1
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):
Fold

Please serve the attached Verified Complaint of Forfeiture and Notice of Arrest on **DARRELL S.C. STEWART**.

Signature of Attorney or other Originator requesting service on behalf of: <i>Karon V. Johnson</i> KARON V. JOHNSON	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER (671) 47207332	DATE 8/14/07
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process 2	District of Origin No. 93	District to Serve No. 93	Signature of Authorized USMS Deputy or Clerk <i>Chen</i>	Date 08/14/07
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I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<div style="text-align: center;"> RECEIVED AUG 24 2007 DISTRICT COURT OF GUAM HAGATNA, GUAM </div>	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.	
Address (complete only if different than shown above)		Date of Service 08/14/07	Time 1230 pm
		Signature of U.S. Marshal or Deputy <i>Chen</i>	

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
		0		0	0	0

REMARKS:
**R/T mileage 12 miles
Serve 2 hrs. Times (2) two DUSM**

**INSTRUCTIONS FOR SERVICE OF
PROCESS BY THE U.S. MARSHAL**

Please type or print legibly, insuring readability of all copies. **DO NOT DETACH ANY COPIES.**

Submit one complete set of this form (USM-285) and one copy of each writ for each individual, company, corporation, etc., to be served or property to be seized or condemned. The applicable fees for such service(s) (T28, USC Sec. 1921 establishes the fees for service of process by the U.S. Marshal) may be required prior to said service.

For service of any process upon an officer or agent of the United States Government, submit a copy of the writ and a set of Form USM-285 for each officer or agent upon whom service is desired. Submit three (3) additional copies of the writs for service upon the Government of the United States. The U.S. Marshal will serve one (1) upon the U.S. Attorney and will forward two (2) to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or his Deputy always certifies service on the U.S. Attorney and the Attorney General, regardless of whether other defendants on the writ were served.) Failure to provide any of the copies will delay service of the writ.

Complete all entries above the double line. Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the U.S. Marshal in expediting service.

If more than one writ and USM-285 is submitted on a single case, the U.S. Marshal will receipt for all of them on the first USM-285. You will receive for your records the last (No. 5) "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Clerk of the Court.

Upon completion of all services (if the Marshals fees were not requested or tendered in advance or if additional fees are indicated), you will receive a "Billing Statement" (copy 4 of USM-285) from the United States Marshal. (NOTE: Copy 4 should be returned, by you, to the U.S. Marshal, together with your payment of the amount owed.)

Additional supplies of the USM-285 may be obtained from the Clerk of the U.S. District Court or U.S. Marshal, without cost.